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ENTRY	
FOR	ATM

Datum/Date

11.11.02

Zeichen/Ref./Réf. P013527EP ATM	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 00953561.8-1216-JP0005617
Anmelder/Applicant/Demandeur/Patentinhaber/Propriétaire/Titulaire CHUGAI SEIYAKU KABUSHIKI KAISHA	

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent  
Office

**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention EP 00 95 3561  
shall be considered, for the purposes of subsequent  
proceedings, as the European search report

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Y	WO 99 18997 A (KOSAKA MASAOKI ;CHUGAI PHARMACEUTICAL CO LTD (JP); KOISHIHARA YASU) 22 April 1999 (1999-04-22) -& EP 1 023 906 A 2 August 2000 (2000-08-02) * paragraphs '0010!', '0012!', '0020!'-'0025!', '0094! * * paragraph '0139! * * claims 1,2,5,10-14,19 * --- -/--	1-28	A61K38/21 A61K39/395 A61K45/00 A61P35/00 A61P19/00 G01N33/50 G01N33/15 //(A61K39/395, 38:21), (A61K39/395, 38:17)
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			C07K G01N A61K
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
<b>INCOMPLETE SEARCH</b>			
The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:  Claims searched completely :  Claims searched incompletely :  Claims not searched :  Reason for the limitation of the search: see sheet C			
Place of search <b>THE HAGUE</b>		Date of completion of the search <b>25 October 2002</b>	Examiner <b>Lechner, O</b>
<b>CATEGORY OF CITED DOCUMENTS</b>			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document  T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons  & : member of the same patent family, corresponding document			

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EPO FORM 1503 03.82 (P04C20)



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
Y	<p>OZAKI SHUJI ET AL: "Humanized anti-HM1.24 antibody mediates myeloma cell cytotoxicity that is enhanced by cytokine stimulation of effector cells." BLOOD, vol. 93, no. 11, 1 June 1999 (1999-06-01), pages 3922-3930, XP002214462 ISSN: 0006-4971 * page 3928, left-hand column, paragraph 3 * -&amp; ISHIKAWA J ET AL: "MOLECULAR CLONING AND CHROMOSOMAL MAPPING OF A BONE MARROW STROMAL CELL SURFACE GENE, BST2, THAT MAY BE INVOLVED IN PRE-B-CELL GROWTH" GENOMICS, ACADEMIC PRESS, SAN DIEGO, US, vol. 26, 10 April 1995 (1995-04-10), pages 527-534, XP000943695 ISSN-0888-7543 * page 588, left-hand column, last paragraph - right-hand column, paragraph 1 *</p>	1-28	
A	<p>----- LUDWIG H ET AL: "Should alpha-interferon be included as standard treatment in multiple myeloma?" EUROPEAN JOURNAL OF CANCER, PERGAMON PRESS, OXFORD, GB, vol. 34, no. 1, January 1998 (1998-01), pages 12-17, XP004285720 ISSN: 0959-8049 * the whole document * -----</p>	1-28	TECHNICAL FIELDS SEARCHED (Int.Cl.7)



Claim(s) searched completely:  
1,7-10, 16, 17, 24

Claim(s) searched incompletely:  
2-6, 11-15, 18-23, 25-28

Reason for the limitation of the search:

Present claims 18-23 and 25-27 relate to molecules defined by reference to a desirable characteristic or property, namely pharmaceutical agent that enhances the expression of the HM1.24 protein. The claims cover all molecules having this characteristic or property, whereas the application provides support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC for only a very limited number of such molecules.

Claims 2-6, 11-15, 21, 25, 26 and 28 relate to antibodies defined by reference to a desirable characteristic or property, namely that they specifically bind to a protein having the amino acid sequence set forth in Seq Id No2 and that they have a cytotoxic activity. The claims cover all antibodies having this characteristic or property, whereas the application provides support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC for only a very limited number of such antibodies.

In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 84 EPC). An attempt is made to define the antibodies by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the anti-HM1.24 antibody disclosed in the examples of the present application and to the molecules interferon-alpha, interferon-gamma and IRF-2.

EP 00 95 3561

25-10-2002

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9918997 A	22-04-1999	AU 732306 B2	12-04-2001
		AU 9461498 A	03-05-1999
		CA 2308007 A1	22-04-1999
		CN 1275917 T	06-12-2000
		EP 1023906 A1	02-08-2000
		WO 9918997 A1	22-04-1999
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